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(703) 816-4075***FACSIMILE COVER SHEET***
PLEASE DELIVER IMMEDIATELY!!!!Our Ref.: 160-410
Your Ref.: 10/801,038 Date: October 12, 2005To: Examiner Theresa Doan
(571-272-1704)Firm: USPTOFacsimile No.: 571-273-8300From: Chris ComuntzisNumber of Pages (including cover sheet): 4
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).Linda M. Rohrer
FACSIMILE OPERATOR

ATTACHMENT/S:

MESSAGE: Re: U.S. Patent Application of NAKAMURA et al.
Serial No. 10/801,038
Title of Invention: NITRIDE SEMICONDUCTOR DEVICE
Our Ref.: 160-410

Dear Examiner Doan:

Pursuant to our telephone call regarding the Terminal Disclaimer filed on September 2, 2005, enclosed herewith please find a replacement Terminal Disclaimer signed by Arthur Crawford, attorney of record in this case. The Terminal Disclaimer fee was paid on September 2, 2005 with our original filing.

Thank you,

Linda Rohrer, Secretary to Chris Comuntzis

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or legally privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE WHATSOEVER IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to arrange for return of the original documents to us.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NAKAMURA et al

Atty. Ref.: 160-410

Serial No. 10/801,038

TC/A.U.: 2814

Filed: March 16, 2004

Examiner: T. Doan

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For: NITRIDE SEMICONDUCTOR DEVICE

OCT 11 2005

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September 2, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Your petitioner, Nichia Corporation, a corporation having an office and place of business/residing at 491-100, Oka, Kaminaka-cho, Anan-shi, Tokushima-ken, Japan represents that it is the assignee as recorded in an assignment at Reel 9860/Frame 121, of all right, title and interest in and to Application Serial No. 10/801,038, filed March 16, 2004, for NITRIDE SEMICONDUCTOR DEVICE.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,959,307 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal title to

NAKAMURA et al
Serial No. 10/801,038

the above-identified U.S. Patent No. 5,959,307, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer from U.S. Patent No. 5,959,307 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Check either box 1 or 2 below, as appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☒ The undersigned is an attorney or agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

NAKAMURA et al
Serial No. 10/801,038

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Nichia Corporation

By: _____


Arthur R. Crawford

Reg. No. 25,327

Date: September 2, 2005

☒ **Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.** If missing, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.